

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA

Docket No. 5:10-CV-583

Aaron Buckner, Allison Butler, Jack Clifford
Elliot, Chad Goudy, Joshua O'Dell, and Amy
Rullis,

Plaintiffs,

vs.

North Carolina Culinary Ventures, LLC d/b/a/
An New World Cuisine Restaurant and Michael
Chuong,

Defendants.

**JOINT MOTION FOR APPROVAL OF SETTLEMENT OF FLSA CLAIMS AND
ENTRY OF STIPULATED JUDGMENT**

Now come counsel for Plaintiffs and Defendants and move the court for approval of the settlement they have reached to resolve Plaintiffs' claims under the Fair Labor Standards Act ("FLSA"). In support thereof, the parties show the Court the following:

1. Plaintiffs filed their Complaint in the Wake County Superior Court on November 23, 2010.

2. Defendants removed the case to the this Court on December 22, 2010 and obtained an extension of time to answer until January 28, 2011. Defendants moved for an additional 14-day extension of time to answer on January 26, 2011, which was granted. Defendants' current deadline to answer is February 11, 2011.

3. The parties conducted a voluntary mediation on January 17 and 18, 2011. The mediator was Patricia L. Holland of Jackson Lewis LLP. At the mediation, the parties agreed on a settlement, and now seek the Court's approval of the settlement of Plaintiffs' claims under the FLSA and entry of the attached Stipulated Judgment.

4. The parties have agreed to settle Plaintiffs' FLSA claims for a total of \$20,000.00 paid by Culinary to Plaintiffs, allocated as follows:

| | |
|-----------------------|---|
| Amy Rullis | Six Thousand Four Hundred Dollars (\$6,400.00) |
| Jack Clifford Elliott | Five Thousand Dollars (\$5,000.00) |
| Chad Goudy | Three Thousand Two Hundred Dollars (\$3,200.00) |
| Joshua O'Dell | Two Thousand Four Hundred Dollars (\$2,400.00) |
| Aaron Buckner | Two Thousand Dollars (\$2,000.00) |
| Allison Butler | One Thousand Dollars (\$1,000.00) |

5. The parties have agreed that Defendant Culinary will also pay an attorneys' fee of \$6,600.00 to Plaintiffs' counsel.

6. The parties respectfully request the Court to approve their settlement and enter the Stipulated Judgment.

7. The parties have stipulated that judgment should be entered only against North Carolina Culinary Ventures, LLC d/b/a/ An New World Cuisine Restaurant.

This the 8th day of February 2011.

THE NOBLE LAW FIRM

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ATTORNEYS FOR DEFENDANTS
NORTH CAROLINA CULINARY
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WORLD CUISINE RESTAURANT
AND MICHAEL CHUONG

CERTIFICATE OF SERVICE

I hereby certify that I today electronically filed the foregoing ***JOINT MOTION FOR APPROVAL OF SETTLEMENT OF FLSA CLAIMS AND ENTRY OF STIPULATED JUDGMENT*** with the Clerk of Court using the CM/ECF system which will send notification to counsel for Plaintiffs:

Laura Noble
Nicolas J. Sanservino, Jr.
The Noble Law Firm
115 East Main Street
Durham, NC 27701

This the 8th day of February 2011.

POYNER SPRUILL LLP

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